



---

The Docket

Historical Archives

---

2-1-1981

## The Docket, Issue 5, February 1981

Follow this and additional works at: <https://digitalcommons.law.villanova.edu/docket>

---

### Recommended Citation

"The Docket, Issue 5, February 1981" (1981). *The Docket*. 81.  
<https://digitalcommons.law.villanova.edu/docket/81>

This 1980-1981 is brought to you for free and open access by the Historical Archives at Villanova University Charles Widger School of Law Digital Repository. It has been accepted for inclusion in The Docket by an authorized administrator of Villanova University Charles Widger School of Law Digital Repository.



# THE DOCKET

Vol. XVII, No.

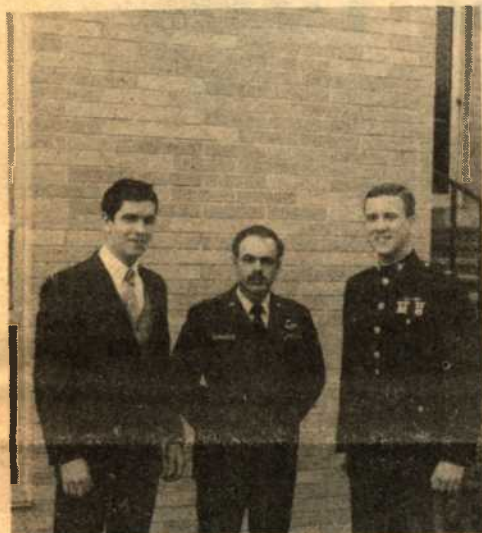
February, 1981

## Careers After VLS

### Military Jobs Waiting

By John Schreck

We all remember how difficult it was to get into law school, and we are now facing the problems of getting through. After these three years of hard work and preparation, it still won't be over. The fact is, we will all be competing for a limited number of good positions. However, there are a few law students whose employers started them into careers many years prior to their actual entry into law school. These students have tailor-made jobs just awaiting their graduation from law school. (In these instances, it is not the way you might be imagining).



From left to right: Pangburn, Dieter, and Kilmartin.

Three people here have accomplished this in a unique way. They are Lawrence "Deke" Dieter, Robert Kilmartin and Charles Pangburn. They are all officers in the armed forces of the United States and students at VLS. Upon graduation they all have positions waiting in the military judicial system where they will continue to serve as officers in their respective branches of the service.

Deke Dieter, a captain in the Air Force, is now a third year Law Review student and was on the Moot Court Board as a 2L.

Deke was first accepted into law school in 1972 prior to entering the service. He deferred his education and opted for more experience. He admits now he had little notion of how extensive that experience was going to be over the next six years. After basic training, he became a security specialist for the minuteman missile system; he was soon attending schools in navigation and electronic warfare which led him to becoming a weapon systems officers for a F-4E phantom jet fighter.

Deke was a "back seater" — the navigator and weapons system operator sit in the back seats of the fighter — he was also a casualty of modern technology. The new generation of fighters had only ONE seat. "I had always wanted to go to law school and it sure looked like a good time to make the move. No matter how good a flyer you are and how exciting the job is, it's still a technician's job. The law is like the sea, you can never know everything about the sea because the expanse is just too great. I was looking for that kind of intellectual challenge, and I've found it."

Bob Kilmartin enlisted in the Marine Corps in 1976 and served in a reserve unit during his first two years at the University of Lowell. During 1977, Bob qualified for Officer Candidates School which he attended at Quantico Va. during his summer breaks. After graduation in 1980 and commissioning as a 2nd Lieutenant, Bob obtained a transfer into the Judge Advocate program where he now serves as an inactive reservist.

## Prof. Manning Leaves VLS

### Corporate Career Ahead

By Kathy Yesenko

Professor Manning, a member of the VLS's faculty for the last three and one-half years, recently gave up his role in the academic community for a position as Senior Staff Attorney at Sun Co., Inc., in Radnor. Professor Manning's new responsibilities include doing general corporate work with a specialty in antitrust law. Although his capacity thus far has been an advisory one, he hopes to become involved in some of Sun's pre-trial work.

Although Professor Manning's last day at VLS was on December 29, 1980 — also his first day at Sun — Manning continues to conduct his section in Trial Practice and is also completing his responsibilities with the first year moot court program.



Prof. Manning recently joined Sun Co., Inc. as an attorney.



## Police Ride-a-long

### Justice Takes A Back Seat

It has been twenty or thirty years since the Motorcycle Brigade changed its name to the Philadelphia Highway Patrol. A certain professionalism has crept in since those days, a professionalism that was apparent to the three Villanova students riding the 6 to 2 a.m. shift one wintery Friday night in January. However, the officers still seem secretly pleased to be linked with such stories as the motorcycle driver who, as a practical joke, drove his partner in the side car, into a snowman built around a hydrant. Yes, this special violent crimes division has changed. No longer do they commit the acts of violence on themselves, but the same elitism and esprit de corps remain.

The first half of our tour of duty would take us from headquarters in Northeast Philadelphia to the 35th precinct district.

Immediately upon our arrival into the district, an area that has the highest amount of crime in the city, we responded to a burglary call over the radio. The officers remarked that it was a most peculiar crime in that the neighbor, in a departure from normal human conduct these days, investigated some strange sounds from the adjacent house and surprised the two burglars. By the time we arrived, several squad cars were already there. In a rather amusing incident, one of our officers, on seeing a black man matching the description of one of the suspects, ordered him to stop. It turned out he was a plainclothes officer riding with the sargent. Several slow prowls through the neighborhood in our unmarked car and a classic frisk of two individuals failed to uncover anything save perhaps some animosity.

The officers kept checking license plates of late model Buicks and LeSabres. A recent 60 Minutes Report on the negligent design of the ignition system had made these cars very popular with certain elements in the city. Catching one of the late model cars out of the corner of his eye, the officers sped around the block and before the car had a chance to pull out of the parking space, their way was blocked and the officers, guns out, ordered the occupants out. Computer checks initially revealed the car had been stolen, a paddy wagon was sent for, the suspects shouted goodbye to their neighbors, and forty minutes later a thorough check revealed the car had been stolen but later recovered and legitimately sold.

Ten minutes after returning to the streets, two fifteen year olds in a recent model Buick were intercepted. The drawn guns put a quick stop to their attempts to clamor out the passenger side although this part of the incident was not viewed by us too clearly as we were cowering in the back. The two had been arrested two weeks before for the same crime.

(Continued on page 6)

## Lend an Ear

All first year students, please sign up for jury duty.

Your third year colleagues need you!

U.S. POSTAGE  
PAID  
Villanova, Pa.  
Permit No. 5

Non-Profit Organization

the DOCKET  
VILLANOVA LAW SCHOOL  
VILLANOVA, PA. 19085



## New Courses Offered



Janet Perry, Esq.

### By Kevin C. Gleason Products Liability

This two credit course deals primarily with the law governing litigation arising from injuries resulting from the use of defective products. Case law provides the basic structure of the course with some interpretation of the Uniform Commercial Code and the Restatement of Torts.

The course is taught by an adjunct instructor, Janet Perry, Esq. Ms. Perry is a graduate of VLS, Class of 1975. For the first year following graduation Ms. Perry served as a clerk for Judge Spaeth. Coincidentally, the first case in the casebook used in this course is an opinion written by Judge Spaeth while Ms. Perry was clerking for him.

After her clerkship, Ms. Perry accepted a position with Pepper, Hamilton, and Scheetz where she worked full-time from 1976 until 1979. The first products liability case which Ms. Perry handled at Pepper also appears in the casebook. (*Griner v. Volkswagen*).

Ms. Perry married three years ago and recently gave birth to a baby girl. Since the birth of her child, Ms. Perry has continued her work with Pepper in the capacity of an independent contractor on cases with which she is familiar or in areas of her expertise.

The course in products liability is taught with equal emphasis on both practical and academic aspects of the law. Ms. Perry emphasizes, "I like to give a combined academic and practical approach because many law students do not know what to expect in practice."



A. Newton Huff, Esq.

### Patents

Patents is another new two credit course offered this semester. The course focuses on substantive rather than procedural aspects of patent law, such as the requirements of a patentable device, and the rights flowing from a patent. The whole field of patent law is statutorily created; hence a study of patent law entails statutory interpretation and definition as exemplified through cases.

The course is taught by A. Newton Huff, Esq., an adjunct to the VLS faculty. Mr. Huff completed his study of law at Temple Law School. While engaged in his legal studies in evening classes, Mr. Huff worked for DuPont Corp. as a patent trainee. Upon graduation Mr. Huff continued in his employment with DuPont as a patent attorney. While at DuPont, Mr. Huff was active in over five hundred cases involving such well-known products as Nylon. His major area of specialization was the litigation and negotiation of patent interference problems.

Forty years after graduating from law school, Mr. Huff retired from his first position in the legal profession and currently serves as a consultant on patent matters for many corporations.

Mr. Huff's teaching approach is tailored to the small group of students enrolled in the course. The informal, discussion-oriented atmosphere is similar to a typical seminar. Mr. Huff remarked, "I have found this branch of the law to be interesting and challenging. I hope I can impart to students some of the enthusiasm I have in this area."

## Moot Court Holds Semi-Finals

### By Kenneth Mumma

The semi-final round of the Reimel Moot Court Competition will be held on February 24. The four competing teams and their pairings are Fleming/Costanza, Petitioners v. Sellitto/Arleo, Respondents, and Goodnow/Bala, Petitioners v. Palfy/Kohn, Respondents.

Among the judges for this semi-final round are Judge Fullam, Judge Ditter, and

Judge Giles, all from the U.S. District Court for the Eastern District of Pennsylvania. John Hall, a VLS alumnus, and Justice Vito Titone of the Appellate Division of the New York State Supreme Court in Brooklyn will also sit as judges.

The winners in this round will meet in the final round of the competition to be held on March 28.

## Faculty Selection Begins

### By Mitchell C. Smith and Wei-Wei Chiu

Resulting from faculty attrition and the need for expansion, the law faculty has been involved in a time-consuming screening process known as faculty selection. According to Acting Dean Gerald Abraham, the Law School has been authorized to replace Professor Manning, Visiting Professor Jaffee, and also hire one or two additional members if any qualified applicants can be found. The process is a long one, involving administration, faculty, and student participation.

First, budget authorization is received

from the University. Then a faculty recruitment committee chaired by Professor Dowd and consisting of Professors Collins, Dobbyn, and Valente screens hundreds of applicants on the basis of resumes, recommendations, academic record, scholarly writings, specialization, if any, as well as course evaluations from students if the applicant has taught elsewhere.

The survivors of this screening process are invited for interviews with both faculty and students. A small group of students talks to each applicant and then writes a report, individually or collectively, which is read aloud at the faculty meeting. No current faculty members are present at these student interviews.

After the interviews, the entire faculty meets and votes on whether to make offers to individual candidates. A decision to make an offer has the status of a "recommendation" to the University Administration that a formal offer be made. The formal offer is then made by the University and the candidate responds.

Besides finding someone qualified and going through the formalities of making an offer, a decision must be reached on who is

(Continued on page 6)

WRITERS

EDITORS

PHOTOGRAPHERS

CARTOONISTS

AD SALESPEOPLE:

# THE DOCKET NEEDS YOU!

The Docket is a monthly newspaper written and published by the students at Villanova Law School. We won't take much of your time and we'd really love to have you join us. Leave a message for Jon Birnkrant on the Message Board or drop by our office across from Student Services.

### Panel discussion Saturday

## Ethics Symposium

If a lawyer discovers during a confidential conversation that a client intends to commit a serious crime, what course of action should that lawyer take? Is the attorney required to reveal whatever information might protect the potential victim, or prevent the crime? Is the lawyer prohibited by the client's constitutional rights from divulging any confidential matters? Or, is the decision left up to the individual discretion of the attorney?

The answer depends on which code of professional conduct you consult. The current Code of Professional Responsibility, the American Bar Association Proposed Model Rules and the American Trial Lawyers Association's (A.T.L.A.) Code of Conduct suggest distinctly different answers to this dilemma, as well as to other critical questions lawyers confront daily.

The Villanova Law Review will sponsor a Symposium on Saturday, February 21, 1981 at 2 p.m., which will examine these codes, focusing on the different provisions contained in each and the different philosophies underlying each of them.

Monroe Freedman, Professor of Law at Hofstra University School of Law, and reporter for the ATLA Code will champion that group's viewpoint, which essentially sees the lawyer as the client's absolute advocate or "hired gun." Robert McKay, Professor of Law at New York University School of Law and a member of the

American Bar Association's Commission on Evaluation of Professional Standards will summarize the A.B.A.'s new proposal, one that fashions the lawyer as an officer of the court as well as an advocate for the client. Allen Zerfoss, Chief Disciplinary Counsel for the Pennsylvania Supreme Court Disciplinary Board and President of the National Association of Bar Counsel (NOBC), will present the NOBC proposal, which suggests that the current code be revised rather than replaced. Providing the more objective viewpoint of one charged with administering and enforcing a code of ethics will be Alexander Unkovic, Chairman of the Pennsylvania Supreme Court's Disciplinary Board.

Following brief presentations by each of the four panelists, Professor Mary Joe Frug, Professor of Law at VLS, will moderate a debate among the panelists which will include questions and challenges from the audience.

Following the program, a wine and cheese reception will be held in the student lounge. The program is free and open to the public, and all students are encouraged to attend. The choice that is ultimately made regarding which code of ethics will govern the legal profession will dramatically affect the practice of law in general, and the individual practitioner in particular. This program promises to present a lively and controversial discussion of this critical issue.

## Is It Soup Yet?

Thanks to the efforts of Tony Cadiz and Mrs. Murphy, the Vending Room now has a new Soup Machine. If this is well received, other new machines, including a microwave oven, may follow. So, let's eat that soup!



# STUDENT FORUM

## What is your impression of the grading experience in law school?



Law school is the only experience I've had and hopefully the only experience I will ever have where the grade is not necessarily proportional to the effort extended. Greg Henniger, Class of '83.



It's more like a degrading experience. Julie Sebring, Class of '83.

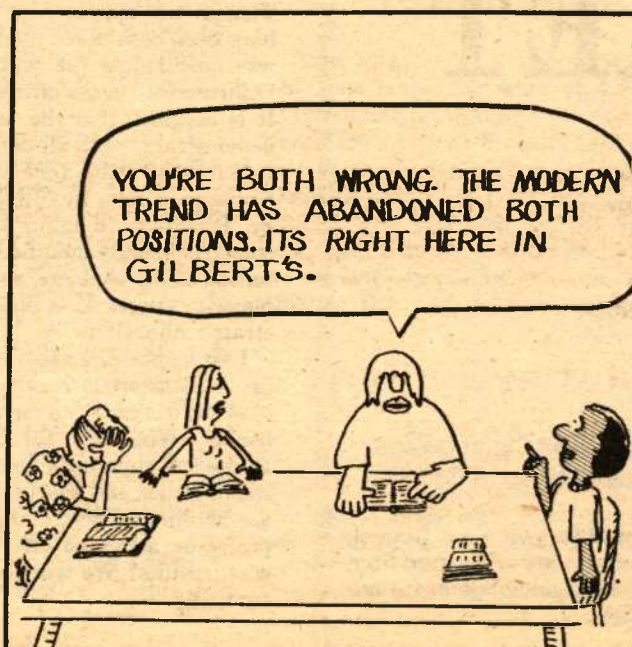
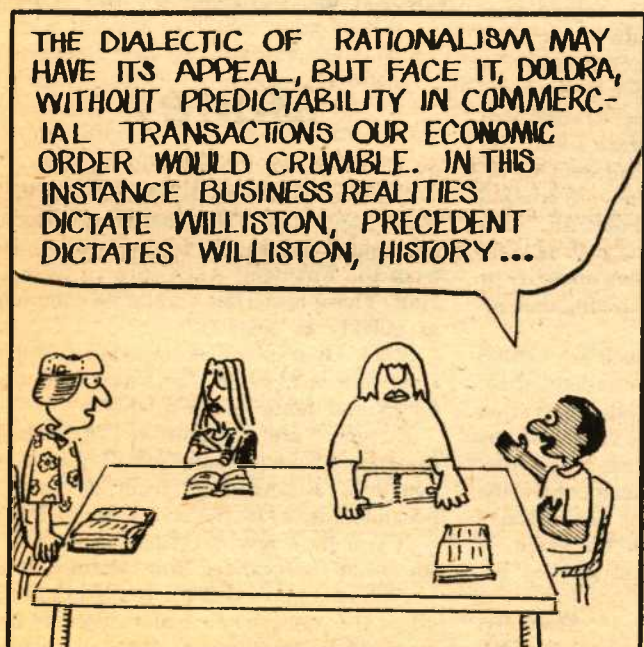
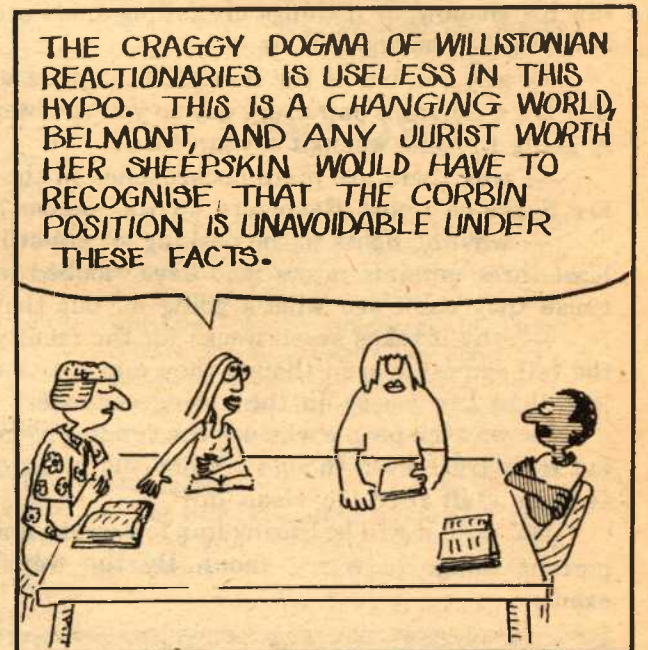
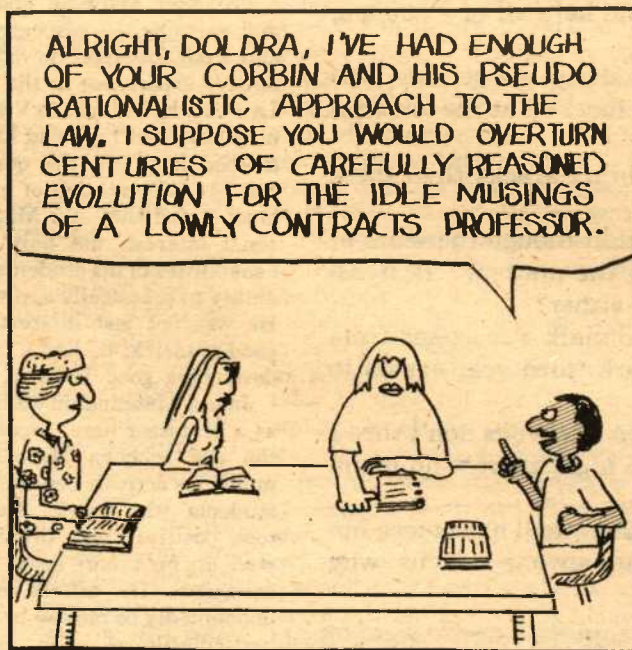
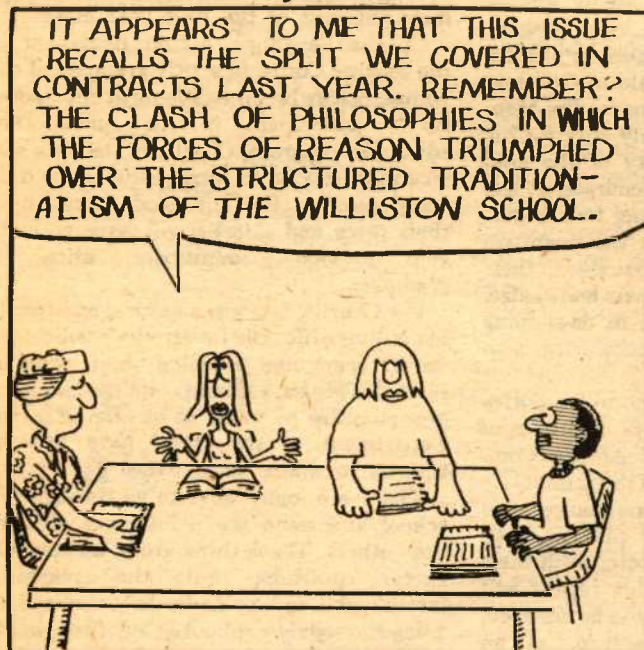


I wasn't surprised because other students and teachers had talked in terms of a grade curve with most centered around average grades. I only hope that as we get to final grades that I'll really be able to know where I stand. Steve Bartolett, Class of '83.



It's frustrating that you put in so much work during the semester and you are evaluated on one day's performance. Mark Hansler, Class of '83.

## Lophole<sup>®</sup> by hal malchow





# THE EDITORIAL

## Student Speaker At Graduation?

Third year students, please note: a proposal that warrants your attention is currently under discussion by the Student/Faculty Committee and the Administration.

Members of the Class of 1981 have proposed that the students be allowed to select a speaker from among the class to give an address on Graduation Day.

This proposal is currently under consideration by Acting Dean Abraham. It is argued that a student speaker would make the graduation ceremonies more meaningful to the Class. On the other hand, it is argued, selecting one student to represent the class as speaker would lead to ill feelings among students not selected and among the parents of those students.

Dean Abraham has indicated he's willing to consider student views on the question before he makes the final decision.

The **Docket** urges you to make your feelings known. The graduation ceremonies, after all, are for you. It is our feeling that having a student speaker at the commencement ceremonies would add significantly to the "Rites of Passage." As we go through law school our experiences are not always the same, but there is enough in our trembling first year, over-worked second year and bored third year to bind us together and mark us as comrades in arms.

Later, when we are colleagues and Members of the Bar, we will have occasion to recall the curmudgeonly professor who taught us first year, the moot court competitions of second year and the trials and tribulations of third year and they will be a part of all of us. We think it would be appropriate if this history of ours were recognized by one of our classmates at graduation.

## Discontents Of Our Winter

We don't know if it's because it's February and that damn groundhog saw his shadow, or if things are falling apart around here all of a sudden, but, could someone tell us —

— why two out of the three IBM copiers are always inoperable, and why it's a different pair every day so you're always lined up at the one that is going to balk when it's your turn?

— why there are more cockroaches in the library stacks than there are Supreme Court Reporters on the shelves?

— why the lights in the parking lot are still unlit though there are at least three administrators who have "looked into the matter?" Is it because they can't see what's going on out there either?

— why it takes seven weeks for the faculty to mark our exams from the fall semester even though they manage to mark third year exams in less than two weeks in the spring semester?

— why the people who use the vending room on weekends don't throw out their trash even though it's obvious by Friday night there's no maintenance staff there to clean up?

Oh, well, it will be Spring in a few weeks and then we'll have more important things to worry about. By the way, can anyone tell us why exams ...

## Writers Voice Safety Concerns

### To the Editor:

The occurrence, during this scholastic year, of the following incidents is cause for concern:

1. One auto has been stolen from the parking lot, tires have been stolen, tires have been slashed, a battery has been stolen, and a brick was thrown through the window of one auto.
2. Poison pen letters containing ethnic slurs and obscenities directed at women have been sent via the student message board.
3. A woman's underclothing was stolen from a locker at St. Mary's pool (her other clothing was not taken).
4. A pair of lace panties was left on a woman's windshield.
5. Rumors of near-assaults in the law school parking lot and near the train station have circulated.

Taken separately, each of these events may seem insignificant, and could almost

be described as amusing. However, we feel the law school community should be aware of these incidents and should be concerned about security. A group of students has met with the Administration, and the following proposals were made:

1. Lighting improvement is needed, consisting of
  - (a) replacement or repair of parking lot lights;
  - (b) replacement or repair of courtyard lights;
  - (c) increased lighting in the parking lot and around the building; and
  - (d) increased lighting near the train station.
2. Employment of a full-time security guard.

Our purpose in publishing this letter is not to foster panic, but to encourage precaution. In view of the inadequacy of the lighting in the parking lot, it is imperative that individuals, especially women, be aware of where they are and who is around them. While it is painful to accept, the possibility exists that the wrongdoer(s) is a member of the law school community.

Concerned students are asked to sign a petition, located in the SBA Office, in support of the Administration's efforts to improve security. The Administration feels such support will aid them in their efforts to obtain these changes from the University. Additionally, it would be appreciated if any persons with knowledge of particular security problems, or suggestions about security improvements contact one of the undersigned or Acting Dean Abraham.

Jane Duffy  
Jim Spadaro  
Marie vanLuling  
Doris Del Tosto  
Joe Stapleton  
Jami Wintz

## BALSA Salutes Manning

### Dear Editor:

James Manning is a gentleman and a scholar. A man respected among, and liked by his peers. An often humble but nonetheless outstanding person, the epitome of the idea that "positive energy coupled with hard work can lead to success."

How does one adequately communicate all of the kudos that Professor Manning truly deserves? And how does one tackle the question of how his departure will be mitigated, or properly addressed by the law school's administration? This undertaking is easily as ominous as this writer found his first experience with law school exams last semester. But the issues here are not nearly as hazy, and the requisite responses to these issues, hopefully, may be less subjectively appraised.

Professor Manning undoubtedly was — and remains — respected, by colleagues and students alike. As much as for the extensive experience in the field of Criminal Law that he brought to Villanova, Jim Manning has been regarded highly here for his methodology and the quality of the substantive presentation of his courses. It has been stated that Jim Manning took a personal interest, not only in the cognitive capabilities of his students, but also in their ability to practically apply their knowledge. He was not just interested in developing good students; he had a positive impact on developing good lawyers.

James Manning, in addition to his duties as a professor here, served as chairman of the law school's Minority Affairs Committee. He actively counseled those minority students who sought his assistance, and took positive steps towards placing these students on a more equal footing with their colleagues. His efforts in this regard will undoubtedly be missed by those he assisted, particularly as such assistance, as an equalizer, remains necessary for some. Though his approach in this regard may have been considered moderate by some, he was nonetheless the representation of the "affirmative" in the affirmative action here. It is assumed that the administration will demonstrate "with all deliberate speed" its belief in its publicized commitment to affirmative action, by filling the void created by Professor Manning's departure, with someone equally qualified and just as committed to his students, whether minority or majority students, as Jim Manning demonstrated himself to be.

Last semester's examinations are behind us — disastrous results notwithstanding. Now the examination for the administration begins. Who will fill the void left by Professor Manning's departure? The pertinent issues and nearly obvious conclusion are herein spelled out. As one very learned professor asked so often on his exam — what results? We will tender "grades" accordingly.

Sincerely,  
Villanova BALSA

## Jobs Waiting

Bob finds being a 1L "a lot of long hours, not unlike the service," and looks forward to his second year when he'll get a chance to meet the rest of the first year class.

Charlie Pangburn, a first lieutenant in the Marine Corps, is a 1978 graduate of the United States Naval Academy at Annapolis. As a participant in the funded law education program, Charlie is the only service man at VLS to receive his active duty compensation. But all good things have their price and Charlie will have an eight year service commitment when he graduates.

For Charlie, law was a natural addition to his military life. His father was a policeman for 27 years and a police chief when he retired. This background combined with the opportunities he found to be offered by the Department of the Navy, have brought Charlie to where he is today.

There are many ways to go through law school and some are a lot more difficult than others. These three are in an enviable career position, but the planning, forethought and commitment required in going through law school as an officer in the military made it clear why there are only a select group of students for this article.

## Money

Any student interested in obtaining Work Study support or a National Direct Student Loan must obtain the requisite paperwork from the Financial Aid Office in Kennedy Hall. These materials should be completed as quickly as possible.

State Guaranteed Loans are obtained from your local bank. Check now as to when forms and funds are available.

If you are interested in seeking assistance from the Law School, you should complete a GAPSAS form as soon as possible, ideally by the end of Spring Break.

If you have any questions about any of these aid sources, see Mrs. Mannix, Room No. 50. It is important for you to check that all of the appropriate paperwork has been received by the proper office.

## THE DOCKET

Editor-in-Chief  
Jon Birnkrant

Associate Editor  
Kevin Gleason

Associate Editor  
Kathy Yesenko

Copy Editor  
Tom Wilkinson

Photography Editor  
Eric Bruning

Faculty Advisor  
Professor John Cannon

Senior Editor  
Kate Harper

Staff: Tom Bovenzi, Wei-Wei Chiu, Dave Eddy, Pete Barrett, John Delaney, John Schreck, Matt Wolfe, Mitch Smith, Tom Harragan, Marianne Bechtle, Anthony Green.

The Docket is published monthly by the students of Villanova Law School, Villanova University, Villanova, Pa. 19085. Letters and articles are welcomed from students, faculty, alumnae and the community at large. Paid advertisements are also accepted, please contact the Docket office for details.



# LEGAL BRIEFS

## Death Row Defense

The number of prisoners on death rows across the country is growing and so are the problems that face lawyers who specialize in capital defense.

"No matter how you look at it, capital defense is not a cozy corner of the legal profession. The clients are from the wrong side of the tracks. The money is poor. The emotional toll is great. And, with an even more conservative public becoming increasingly fearful of crime and violence, the stance is no longer popular," writes Faye Hamby Goolrick in "Counsel for the Condemned," the cover article of the February *Student Lawyer*, a publication of the American Bar Association.

She notes that these lawyers look forward to the time when public opinion once again turns against capital punishment, influencing state statutes on the death penalty. Until then, these lawyers concentrate on litigation and appeals, educational programs for attorneys new to capital defense work, and public information campaigns.

The NAACP, sponsor of the National Defense Fund, is the leading national organization involved in litigation against capital punishment. Its ultimate goal is to show the Supreme Court that the application of the death penalty continues to be discriminatory and racially-biased, contrary to the Court's 1972 ruling in *Furman v. Georgia* that such application violates the Eighth Amendment prohibition against cruel and unusual punishment.

In the meantime, it handles cases that are the furthest advanced when no one else is available to assist the prisoner in his defense.

Jack Boger, a staff attorney with the National Defense Fund in New York City, explains: "You've got thousands of cases at the pretrial level, hundreds at the trial level, dozens at the state appeal, and fewer and fewer the closer you come to execution. Our notion has been to work backwards, to make sure that the cases that are furthest advanced are covered."

Many attorneys believe that one of the reasons for the imposition of the death penalty is the quality of legal counsel. In order to remedy this, the Team Defense in Georgia and the Southern Poverty Law Center in Alabama concentrate their work at

the pretrial and trial levels to guarantee adequate courtroom representation to poor and black people.

"If you never get people sentenced to death then you don't have to worry about the death penalty," director John Carroll of the Law Center explains.

In addition to these private programs, some public defender offices take an active role in preparing attorneys for capital defense. The author cites the state Office for Public Advocacy in Frankfort, Kentucky, which runs a "death penalty task force" to assist public defenders throughout the state in defending capital cases.

Also in this issue of *Student Lawyer*, Grant Pick writes about a Chicago center that trains handicapped people to be independent in his article "Helping the Handicapped Help Themselves." Moira Griffin, in "Service with a Smile," looks at the work of a Vietnamese attorney who now practices in New York and participates in public interest programs to assist immigrants.

The issue contains *Student Lawyer's* annual listing of summer law programs abroad, along with a story by Deirdre Shaughnessy Alfred on international law practice.

*Student Lawyer* is the monthly publication of the American Bar Association's Law Student Division.

## Have A Ball

The Annual Barrister's Ball will be held at the Inn of the Four Falls on April 4, 1981, from 9 p.m. to 2 a.m. The cost will be approximately \$7 per person. More details will be announced as they become available.

## Women Profs

While women appear to be making great strides towards integration into law school faculties, a number of barriers must be removed if they are to become full members of the law school community.

That is the conclusion of a report released today by the American Bar Association's Section of Individual Rights and Responsibilities. The study entitled "The Integration of Women Into Law Faculties" was funded by the National Institute of Education and New York Law School. Project members spent a year gathering information from the faculty, administration and students of selected schools.

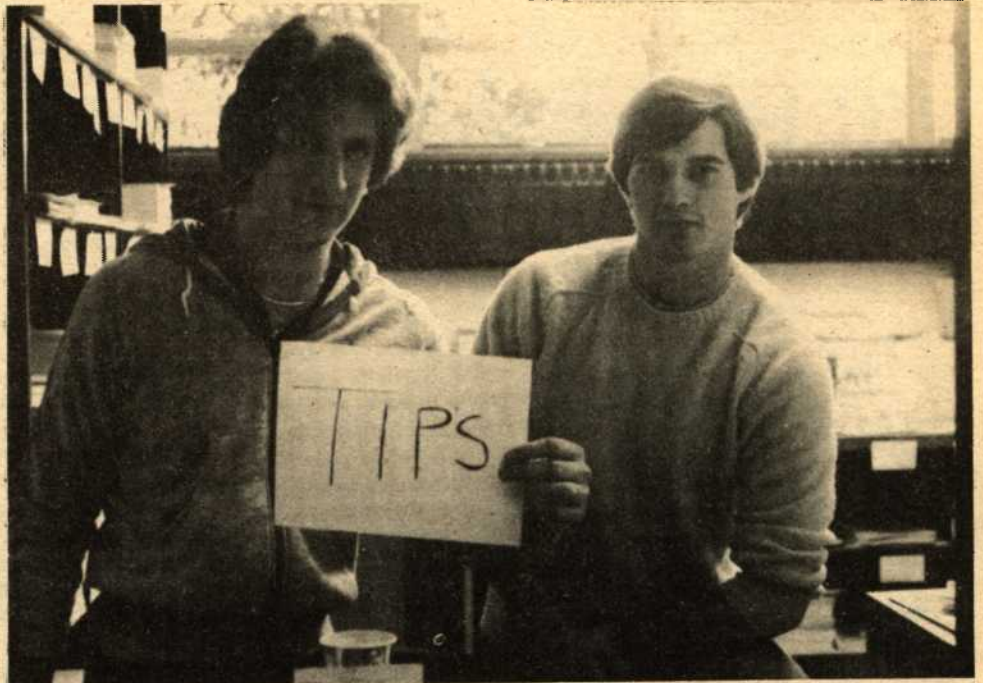
The attitude of students towards women faculty members is one serious problem facing women law professors. Dr. Elizabeth Ashburn, director of the project, said, "Women tend to be viewed as less competent than their male counterparts." Ashburn pointed out that the students seem more likely to challenge women professors. This, she said, put additional performance pressures on those teachers and often had a "snow ball" effect.

For example, Ashburn said, "We found women spent on the average 5 hours more a week in class preparation and 5 hours less per week on research and writing despite similar teaching loads." This becomes important, she said, when we recognize the increasing importance of publishing to the advancement of a law faculty member.

The study also found that presently most of the women are junior faculty members. According to Ashburn, "We don't know the attrition rate of women — how many are leaving teaching as a result of this performance pressure. But we do know that the integration of women in law school faculties is not a foregone conclusion."

Copies of the study are available from the ABA's Section of Individual Rights and Responsibilities, 1800 M. Street, N.W., Washington, D.C. 20036, (202) 331-2279.

*Student Lawyer*



No, these men are not trying out for the Law School Show. John Rauseo (left) and Tom Sirisky work in the Student Services Center (when it is open). If you would like to perform or write for the annual Law School Show, material must be submitted by February 27. Check the bulletin boards for details.

## Till Court Do Us Part

A new California law that requires mediation for certain divorce cases will not only save the court system time and money, but is likely to result in settlements that are more satisfactory to the couples involved.

"Appropriately enough, the state that made community property, alimony, and leading edge of yet another divorce trend," writes John A. Jenkins in his article "Divorce California Style," in the January issue of *Student Lawyer*.

The new law is particularly significant because it could serve as a model for other states that are experimenting in mediation but have not yet made it mandatory.

The law sets up a conciliation court in each county as a branch of the state superior court. This new court has principle jurisdiction over divorce cases involving child custody, visitation rights, and domestic violence.

Couples must bring their cases to a court-appointed mediator to talk over their disagreements and discuss possible compromises. When they reach an agreement, or an impasse, they proceed to divorce court.

The system seeks to correct the major problem with the adversary system when it is applied to divorce cases. That problem is that settlements reached by lawyers on behalf of their clients and imposed by judges rarely produce lasting solutions. Instead, divorced partners "often find themselves running back to court to modify or contest a decree they never really accepted in the first place," Jenkins writes.

This continuing legal action takes its toll not only on the court system, but also on the couple.

Those who have studied the mediation process agree that it resolves this problem by bringing the couple to the bargaining table to work out a settlement with the assistance of an impartial third party trained in solving such problems.

Jenkins quotes Jay Folberg, a professor at Oregon's Lewis and Clark Law School and chairman of the relatively new ABA committee on divorce mediation in the Section of Family Law: "Mediation saves time, and it's likely to save the couple money. Most important, they will have a better

divorce settlement, one they can live with, because they determined the terms themselves."

The California law sets certain specifications for the mediators. They must have a master of arts degree in psychology, social work, or marriage and family counseling, and have an understanding of the California judicial system. They do not have to be lawyers, and most are not.

Although the mediator does not act as advocate or attorney for either side, critics see the potential conflict of interest as the major flaw in the system, particularly if the mediator is a lawyer.

According to Yale Law School professor Geoffrey Hazard, a member of the ABA Commission on Evaluation of Professional Standards that is redrafting the lawyers' ethics code, "Obviously, there may be situations where the conflict of interest is sufficiently serious that a lawyer should not become an intermediary."

## 81 Days

The traditional party for the third year class commemorating just 81 days until the end of school will be held on Monday, February 23 in the Formal Lounge. Ronnie Cubit and Cindy Sabatini will organize it.

## Law Day

A social event for Villanova Law School — Villanova Law Day at City Hall — will be held on April 8. The law school will host a reception for the Philadelphia area judiciary, alumni practicing in Philadelphia, and all Villanova Law School students and faculty. Law students will be introduced to the distinguished members of the practicing bar and the judicial bench at the hub of legal activity at City Hall in Philadelphia.

The Placement office is now working on the details, including directions and scheduling, which will be posted.

## Say It With Flowers

Judge William J. Cole of Muskegon, Michigan, has come up with an unusual plan to prevent first-time shoplifters from repeating their crime. "Let the punishment fit the crime" is his motto. So he gives some offenders a chance to mend their ways with his unusual approach to sentencing. The accused can elect to spend a ten-day stretch in jail or return to the victim of the crime and make amends by presenting a \$15 bouquet of flowers, a \$10 box of candy, and a letter of apology. So far, no one has rejected the flowers and candy option.

"I only do this for people I'm persuaded are scared to death being in court for the first time and don't plan to be back," said Judge Cole. "These are people who took some meaningless item where there was no element of greed involved — just a dumb act." If the shoplifter reneges on his promise, though, Cole makes him pay the penalty in jail.

*Student Lawyer*

## And Ketchup For All

Is a hamburger a sandwich?

Funny you should ask. It just so happens that a New York Supreme Court judge ruled last summer that the former is a subset of the latter. The question arose when the owner of a Blimpie sandwich shop sued a realty company that had assured the shop that Blimpie would be the only sandwich shop in a Long Island shopping center. In 1978, a year after the lease was signed, the realty company allowed a Wendy's Old Fashioned Hamburger shop to open at the center. Blimpie's went out of business shortly thereafter.

The realty company maintained that Wendy's primarily sells hamburgers, and hamburgers aren't sandwiches, so the lease was not violated.

The judge disagreed and ruled that the "defendant's narrow viewpoint that a hamburger is a hamburger and not a sandwich is only true where a person would order 'beef ground' without the bread." He cited Webster's definition of a sandwich as "two or more slices of bread with a filling of meat, fish, eggs, vegetables, etc., between them," and assessed damages of \$48,382 against the realty company.

## Dumb Bird

Jane Messina of a Boston suburb had only one complaint with Sheba, a white sulfur-crested cockatoo she bought two years ago — the bird hasn't said a word in two years. A triple damages suit against Debbie's Pet Land brought no relief, though. The jury was swayed by a vet's testimony that some birds just won't talk. As the judge put it after the trial, "Some are smarter than others; some are retards."

*Student Lawyer*

## That's Overruling

By John Schreck

Gaius Caesar (better known to you movie fans as Caligula), emperor of Rome from A.D. 37-41, made many contributions to the art of ruling, not the least of which was a propensity to have new laws inscribed so high on the pillars as to be unreadable from the ground. So the next time some one asks you about notice ...



# Justice Takes Back Seat

(Continued from page 1)

By the time booking procedures had been completed, it was well past the time we were supposed to be in Southwest Philly for the second half of our assignment. After entering the Southwest area, we stopped for a late night pizza. Following this pleasant interlude, we pulled over what appears to be a drunk driver on the highway. As the officers get out, the driver pulled away and a high speed chase ensued. This ended when one of the officers pulled out his gun to shoot the tires out (I think). The driver was handcuffed and not much weight was given to his statement that he didn't realize the officers were police as we were in an unmarked car. Booking procedures were going to last beyond two o'clock so another squad car gave us a ride back to headquarters.

The conversation? The use of guns was discussed with some detail after our first little incident. In spite of Mayor Green's strictures, (a little white card explaining the appropriate use of deadly force) the officers maintained that they were willing to risk civil suit in order to have the privilege of carrying their guns at the ready. The younger officer had a fellow officer gunned down as he turned the corner after chasing a suspect thought to be unarmed. The older officer had a friend killed in the MOVE shootout and had taken a bullet in the chest during his tour in Vietnam. Civil suit rather than your own life seemed a preferable risk. Furthermore, running with a gun hitting against your thigh slowed one up, the younger officer claimed.

The older officer did not have too much use for the Supreme Court. The only good decision he had heard of was *Pennsylvania v. Mimms*. (Allowing the police to order you out of the car, even for a minor traffic

violation). As for *Miranda*, it did not really affect him as he didn't want the suspects to talk. If they started talking all it would be was abuse and he could certainly do without that. Let the detective take care of the confessions.

Neither of them thought much of Mayor Green either. Not only was he hamstringing them with regulations but the city government officials all got the new cars. The car we were driving was at least two years old before it was handed over to the department. There was considerable grumbling during the course of the tour about the pathetic shape of the cars yet we were surprised they survived a single evening shift the way the accelerator was pushed and the sudden reverses we would make. Over the radio we heard that one of the cars another group of Villanova students is riding is did not make it through the tour of duty. It ended up on the front porch of someone's house after a high speed chase.

The talk often times drifted, moving from Apocalypse Now and the experiences of the older officer in Vietnam to Iran (send ten B-52's over at 1000 ft. and blow out all the windows, land a C-47, tell them to load the hostages on and if they did not, blow it off the map) to the MOVE incident in which the police should have just shot water at the foundations and collapsed the building. Throughout these snippets of conversations, however, the officers were constantly looking up and down the streets for any telltale signs.

On the way back in the new squad car, we found out we had been riding with one of the stars of the force. He always managed to make a few arrests. There was some comparison as to how well he had done, now that the hunt was over.

## SUMMER SESSION 1981 THE UNIVERSITY OF BRIDGEPORT SCHOOL OF LAW Summer Session Begins June 8

Courses	Credits	Days	Time
Administrative Law	3	TWTH	8:20-10:30 pm
Civil Clinic	6-8	By arrangement-approval required	
Criminal Procedure	3	TWTH	8:20-10:30 pm
Evidence	3	TWTH	6:00-8:10 pm
Family Law	3	TWTH	3:40-5:50 pm
Federal Courts	3	TWTH	6:00-8:10 pm
Housing	2	TW	8:20-10:30 pm
Independent Research	2 or 3	By arrangement-approval required	
Judicial Clerkship	2	By arrangement-approval required	
Municipal Law	3	TWTH	6:00-8:10 pm
Secured Transactions	3	TWTH	3:40-5:50 pm
Tax Clinic	6-8	By arrangement-approval required	
Trusts & Estates	3	TWTH	3:40-5:50 pm
Uniform Commercial Code	4	MTWTH	8:20-10:30 pm

The law school is located on Long Island Sound in Southwestern Connecticut approximately ninety minutes from New York City and thirty minutes from New Haven.

For Summer Session Catalog write to:  
Summer Session Registration  
University of Bridgeport School of Law  
600 University Avenue  
Bridgeport, Connecticut 06602



MANDAMUS



CERTIORARI



HABEAS CORPUS

# The WRITS BROTHERS

by Gewen ©

## SUMMER LAW STUDY

in  
Guadalajara  
London  
Oxford  
Paris  
Russia - Poland  
San Diego

For information: Prof. H. Lazerow  
U. of San Diego School of Law  
Alcala Park, San Diego, CA 92110

## Faculty Selection

(Continued from page 2)

going to teach which courses. If the candidate is not going to teach an already existing course, then scheduling shifts among current faculty must be made. An applicant could conceivably find himself over-specialized for the school's needs.

Acting Dean Abraham said the school is seeking a "good, all-around person," and expressed a concern about the current student-faculty ratio. Abraham said he would like to see more electives and smaller classes.

Final selections of new faculty members will be announced in the next issue of *The Docket*.



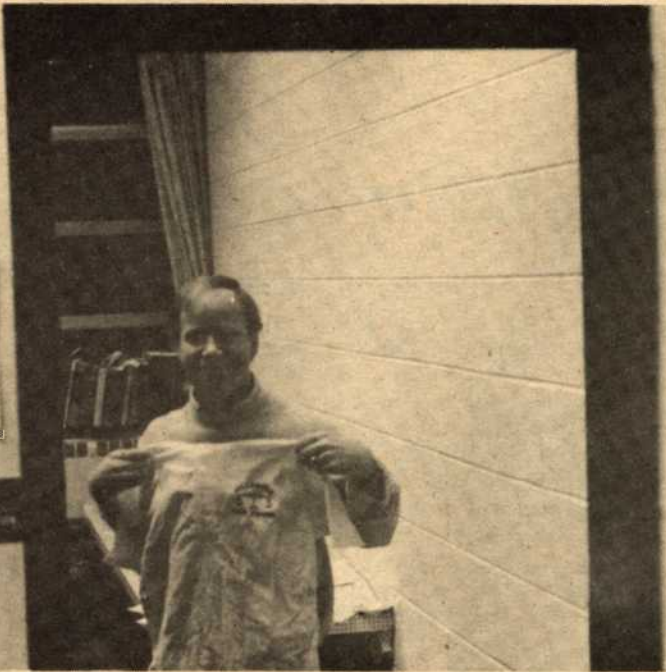
We're  
Your Type

## QUICK TYPING

REPORTS - XEROXING  
LETTERS - RESUMES  
REPETITIVE LETTERS

850 W. LANCASTER AVENUE  
BRYN MAWR, PA 19010  
527-3844





"Eat your heart out Brooke Shields." SBA President Paul Dougherty models the latest in VLS tee-shirts. The Student Bar Association will sell you one for \$10.



Frank J. Benasutti, VLS '65.

## VLS Alum Elected To Board Of Governors

Philadelphia lawyer Frank J. Benasutti, VLS '65, has been elected to the Board of Governors of the Philadelphia Bar Association. Benasutti was elected to the Board by his colleagues last month and began serving a three year term on the Board at the beginning of the new year.

President of the law firm of Benasutti Associates, Ltd., Benasutti has been active in Bar Association work for more than a decade. During the past year he has chaired the Association's Professional Responsibility Committee which conducted a comprehensive survey of the proposed new model rules for professional conduct. He has also chaired the Association's Fidelity Award Committee and is a Philadelphia Delegate to the House of Delegates of the Pennsylvania Bar Association. He is past Chairman, Vice-Chairman and Secretary of

the Committee on Professional Guidance of the Philadelphia Bar Association and has served as a member of that committee for ten years. He also served on the Steering Committee for the Philadelphia Bar Association's Long Range Planning Conference and is currently Treasurer of the Philadelphia Patent Law Association. He is a past Chariman of the Professional Responsibility Committee of the Patent Law Association and currently a member of the Pennsylvania Bar Association's Committee on Professional Ethics and Responsibility, and also serves on the Committee on Ethics and Professional Responsibility of the Patent, Trademark and Copyright Section of the American Bar Association.

He is a graduate of the Villanova University School of Law and Drexel University.



Pat Vitullo and Carol McMenamin check the pledge totals during the 1981 Alumni Phonathon.



Judge Robert F. Kelly plays what is a familiar role for him as third year students take on the unfamiliar role of litigator for their trial practice class.



Trial Practice partners Sue Matalucci and Steve Parmer interview their witnesses before meeting with opposing counsel.



Third year student Jay Gebauer takes a jumpshot in a practice session for his intramural team, the Consiglioris.



Second year student Joe Gachko shows off his form in an intramural game. He plays for The Runts.



## Professor. John Dobbyn

# Teaching And Writing His Twin Loves

By Kate Harper

Forget torts. Forget contracts. Forget Con Law. Come with me to a place where a blind man sees better with his fingers than a dozen hardboiled detectives can see with 20/20 vision . . . a place where a wilderness doc vows to avenge the murder of his dead brother even as he binds the wounds of the dead man's killer and the wild winds of the Yukon howl outside his door.

You won't find tales like these in dusty stacks of scholarly journals. You won't find them hiding in volumes of Atlantic reporters, either, but you might find them if you venture up to the faculty offices and ask Professor John Dobbyn to lend you a couple of his mystery magazines. Don't be surprised when you see that the writer of the stories is none other than John Dobbyn himself.

Professor Dobbyn, who began his teaching career here at Villanova 11 years ago, has written a Nutshell on Injunctions for the West Publishing Company and a book for pre-law students called

So You Want To Go To Law School. Another Nutshell, this one on Insurance Law, is in the works.

Still, if you want to see his eyes light up or find out more about the blind but incredibly perceptive Professor Hart, just ask him about his mystery stories.

Until six years ago, Professor Dobbyn's writing was limited to Law Review articles (don't look for the Yukon Doc there). Then, he enrolled in a creative writing course at the Main Line night school, taught by Jean Horton Berg. Dobbyn credits Ms. Berg with giving him the inspiration to try fiction.

His first story, in fact, grew out of a Berg assignment to write a five paragraph piece using the five senses. Dobbyn devised the idea of a blind detective to "spice it up a bit," and was so successful with his gimmick that no one noticed the assignment necessarily lacked a reference to the sense of sight.

Dobbyn submitted the resulting story to the "Mike Shayne Mystery Magazine" and "by some miracle, it sold." The February 1975

issue carried "Deadly Perceptions," a chilling tale which reaches its denouement in a mock courtroom at a law school.

The insightful detective made a return appearance in the same magazine the next year in a story called "Blind Man's Bluff." The Yukon doctor came to life in a mystery tale written in verse in Ellery Queen's Mystery Magazine in August, 1979. In that issue, Dobbyn shared in the credits of "the world's leading mystery mag-

worked on," Dobbyn notes. Still, shaping the story's plot and characters is "fun" and *that*, in large measure, is why he writes.

Dobbyn also candidly admits that he gets a great deal of satisfaction from selling an article or short story to a magazine or newspaper: "I write for fun and profit," he says.

He understands well that scholarly writing is very different from spinning a yarn about a detective: "in one, you have to be right and

## Exam Questions: Haven't We Met Before?

By Matthew Wolfe

The first section of the final examination of Professor Collins' section of Legal Profession was eliminated from consideration in the grading when it was discovered that several students had unintentionally studied the identical questions in preparing for the examination. The examination had two parts, the first part consisting of 25 multiple choice questions and the second part consisting of three essay questions. The 25 multiple choice questions had appeared in the materials given out for the BRC Bar Review Course.

Professor Collins had received the questions from the company which prepares the Multi-State Examination, and used them because he wanted to give the students practice on the types of questions which they might see when they actually take the Bar Examination. He said that it was not unusual for professors to take exam questions from sample questions or actual cases. Professor Collins was unaware, however, that BRC had reproduced the same questions, complete with answers, for their Bar Review Course.

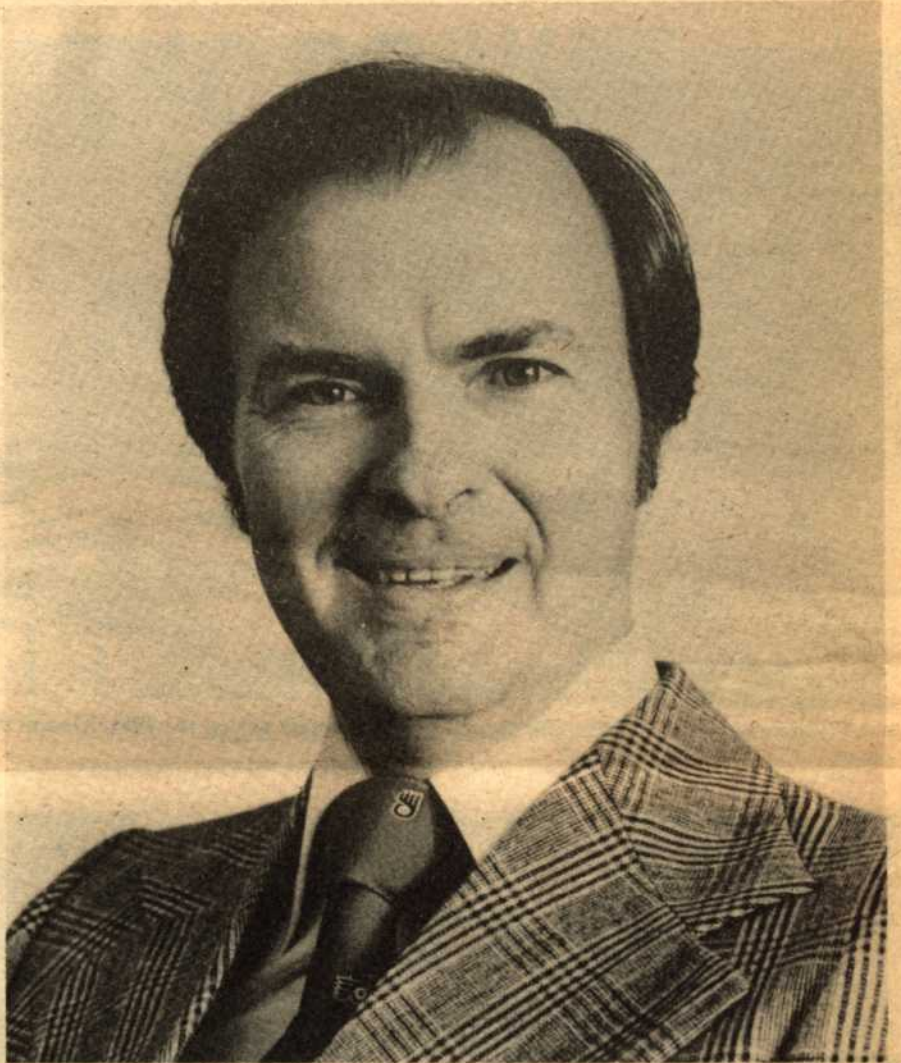
Professor Collins was informed of the problem immediately following the examination when about a half-dozen students came to his office and said that they had had an unfair academic advantage. Professor Collins responded that he felt that such an admission "was almost good enough to give those students a passing grade for a course dealing with professional responsibility." After thinking the problem over and discussing the matter with Acting Dean Abraham, Professor Collins decided

that the only fair thing to do would be to completely disregard the first part of the examination and grade only the second part.

There was a similar problem last year, when Professor Collins' examination in Legal Profession consisted of five essay questions, two of which were very similar to questions which appeared in the Sample Exam Question section of the Gilbert Law Summary in Legal Ethics. Professor Collins was unaware of this problem until it was brought to his attention after the mix-up this year.

Professor Collins has been very disturbed by the use of study aids generally and with the law professors who contribute to them. He says he does not feel that study aids are the proper way in which to learn the law. He says, though, that if he must, he will consult the study aids to see what questions the students are studying.

On January 16, 1981, the Student-Faculty Committee passed a motion regarding this problem which states: "The Student/Faculty Committee would like to express its concern that due care be taken so that examination questions are not taken from sources available to some students, as this results in an unfair examination." Although the motion is meant to deal with the problem more generally, it was drawn up after the matter of the Legal Profession examination had been discussed. In addition, a member of the committee will speak to the Grading Committee about any preventive procedures which exist or can be formulated to avoid the problem in the future.



Professor John Dobbyn loves teaching but he likes writing mystery stories, too.

azine" with the well-known author Isaac Asimov.

After selling his first story, Dobbyn says, he "was hooked." Finding that editors were willing to pay for his literary efforts "was addictive. From that point on, I've never been able to stop."

Nor has he limited himself to the mystery story genre. Starting with a recipe for Grand Marnier Souffle which included the help of a three-year-old assistant chef, Dobbyn spun another creative writing assignment into a news-

contributing to the research and thinking in the area; whereas, the other is just for fun."

Just for fun. Does the Professor harbor a secret desire to find a secluded cabin somewhere and write fulltime?

"Categorically No. I love teaching too much," he says, comfortable behind his desk in his faculty office.

Though the bookcases are filled with the usual law books, the office has an air of western informality about it. A row of cactus

**"The Professore checked his watch. The last few seconds to nine thirty-five ran out."**

paper series called, "Cooking With the Mighty Midget," a humorous effort no doubt inspired by his son John, who was three at the time.

Ideas for stories "come faster than you can write them," he says, "Sometimes in the shower, sometimes in the middle of a tennis game." He's quite sure he will never run out of them. He seems not to have heard of "writer's block."

"Writing is like muscle-building — or becoming a virtuoso pianist. It takes everyday practice or you lose the technical facility."

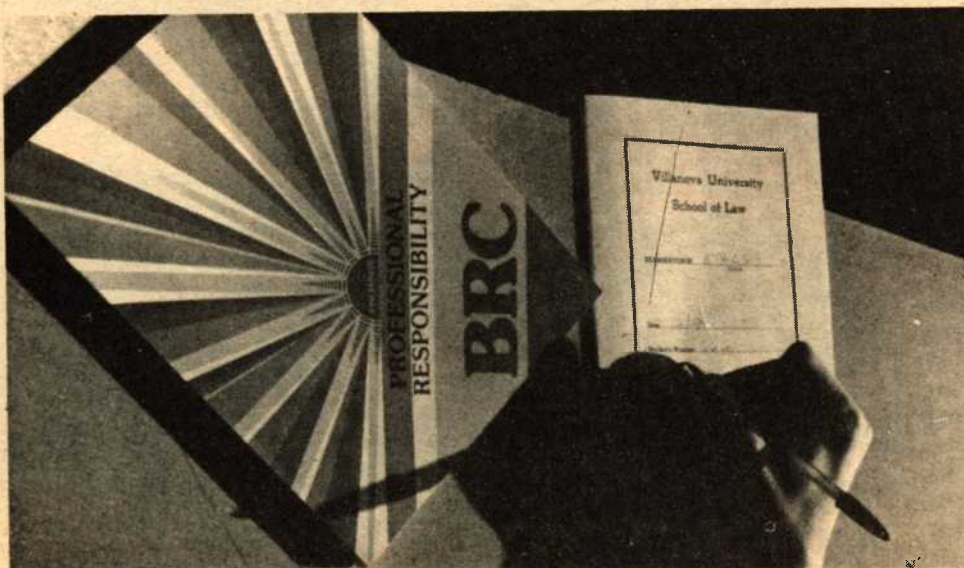
"The technique of putting a story into words that will grab the reader is something that has to be

plants on the window sill, and a clump of green fronds surrounding his desk hint of the Midwest, where he served a stint in the United States Air Force. Pictures of his family include a few photographs of a Chestnut quarterhorse named Mr. Chips.

Professor Dobbyn originally hails from Boston. He was educated there at Harvard and Boston College. The Professor and his wife Lois have one son, John, and now live in Valley Forge.

There's "not a chance" that he'll be running off to a lonely garret to devote his life to writing the next Great American Novel.

"I love teaching too much. I love writing, too. I love them both." That's no mystery.



Third year students were surprised to find that questions on their Professional Responsibility exam were identical to those in a bar review cram book.